

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

KATHERINE B. DOWLING (CABN 220767)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-6833
Facsimile: (415) 436-7234
Katherine.Dowling@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 08-70879 EMC
)	
Plaintiff,)	AMENDED STIPULATION AND
)	PROPOSED ORDER WAIVING TIME
v.)	UNDER FED. R. CRIM. P. 5.1 and
)	EXCLUDING TIME UNDER 18 U.S.C. § 3161
MARIO JUAREZ,)	
)	
)	
Defendant.)	
_____)	

With the agreement of the parties in court on January 6, 2009, and with the consent of the defendant, the Court enters this order setting a new preliminary hearing date of January 30, 2009 at 9:30 a.m. before the duty magistrate judge, extending the time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, extending the 30-day time period for indictment and excluding time under the Speedy Trial Act from January 12, 2009, to January 30, 2009. The parties agree, and the Court finds and holds, as follows:

1 1. Defendant appeared before the Court on December 29, 2008 for an initial appearance on a
2 complaint. A detention hearing was set for January 7, 2009. On January 7, 2009, the detention
3 hearing was waived, and, with the Defendant's consent, parties agreed to extend the time for
4 preliminary hearing or arraignment under Federal Rule of Criminal Procedure 5.1(d).

5 2. Counsel for the United States will provide discovery to defense counsel, who will review
6 the evidence to determine whether a pre-charge disposition is appropriate. Only after evaluating
7 the evidence will counsel be in a position to evaluate any disposition. Counsel believes it is in
8 her client's best interest to negotiate the case pre-indictment, and she cannot do that without
9 evaluating the evidence.

10 3. Taking into account the public interest in the prompt disposition of criminal cases, the
11 parties agree, and the Court holds, that these grounds are good cause for extending the time limits
12 for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and extending the 30-day
13 time period for indictment.

14 4. Failure to grant an exclusion of time for the requested continuance would deny counsel for
15 defendant the reasonable time necessary for effective preparation of counsel. 18 U.S.C. §
16 3161(h)(8)(B)(iv). Therefore, the Court finds that exclusion of time from January 12, 2009 to
17 January 30, 2009, is warranted because the ends of justice served by the exclusion of time
18 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §
19 3161(h)(8)(A).

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1 5. Accordingly, and with the consent of the defendant, the Court (1) vacates the January 12,
2 2009 preliminary hearing date and sets a preliminary hearing date before the duty magistrate
3 judge on January 30, 2009 at 9:30 a.m., and (2) orders that the period from January 12, 2009 to
4 January 30, 2009, be excluded from the time period for preliminary hearings under Federal Rule
5 of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. §
6 3161(h)(8)(A) & (B)(iv).
7

8 STIPULATED:
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10 DATED: January 9, 2009

/s/

RITA BOSWORTH
Attorney for Mario Juarez

12 DATED: January 9, 2009

/s/

KATHERINE DOWLING
Assistant United States Attorney

14 IT IS SO ORDERED.

15 DATED: _____

